

REMARKS/ARGUMENTS

The Applicants have carefully considered this Application in connection with the Examiner's Action and respectfully request reconsideration of this Application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-20 in the Application. The Applicants have amended Claims 1 and 11. The Applicants have canceled Claims 6 and 16 without prejudice or disclaimer, and have substantially incorporated Claims 6 and 16 into Claims 1 and 11, respectively. Accordingly, Claims 1-5, 7-15 and 17-20 are currently pending in the Application.

I. Rejection of Claims 1-20 Under 35 U.S.C. §103

The Examiner has rejected Claims 1-2, 6-7, 9, 11-12, 16-17, and 19 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,956,833 to Yukie *et al.* ("Yukie") in view of U.S. Patent No. 6,990,352 to Pyhälammi *et al.* ("Pyhälammi"). Claims 4, 8, 14, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yukie in view of Pyhälammi in further in view of U.S. Patent Application No. 2003/0087650 to Aarnio ("Aarnio"). Claims 10 and 20 are rejected over Yukie in view of Pyhälammi in further view of U.S. Patent Application No. 2003/0181200 to Iida ("Iida").

As the Examiner is no doubt aware, determination of obviousness requires consideration of the invention considered as a whole; the inquiry is not whether each element exists in the prior art, but whether the prior art made obvious the invention as a whole. Furthermore, there must be some suggestion or teaching in the art that would motivate one of ordinary skill in the art to arrive at the

claimed invention; a reference that teaches away from a claimed invention strongly indicates non-obviousness.

Claim 1 as currently amended is directed towards a system for automated data input. The system comprises a database, associated with a processing server, that receives and stores data according to a format, *wherein a mobile telephone contains the database*. (Emphasis added.)

Yukie is directed to remotely storing data on a server through a wireless connection *instead of storing data locally in a consumer device*. A video camera, still camera, laptop computer, or other consumer device which normally stores data in local memory such as film, disk, random access memory, memory sticks, or other forms of storage would transmit the data to a remote server through a wireless connection. *The data would be saved on the remote server* for subsequent retrieval through, for example, the Internet or a wireless connection to the server. (Abstract; emphasis added.)

Pyh lammi is directed to a mobile terminal which can establish a data connection with a second device by establishing a GPRS connection and obtaining an IP address. The mobile terminal sends an SMS message including its IP address to the second device. The second device also establishes a GPRS connection and obtains an IP address, and then sends a return SMS message including the second device's IP address to the mobile terminal. Once the two devices have exchanged IP address information, they jointly set up a data connection to transfer data, e.g., image files. (Abstract.)

Although the Examiner Action states, {concerning dependent Claim 6, now incorporated into independent Claim 1}, that "the combination including Pyh lammi teaches wherein the mobile

telephone contains the database (Col 4, lines 50-57)", (See Examiner's Action, page 3), the Applicants respectfully contend that the primary reference (Yukie) explicitly teaches *away* from storing the information for subsequent retrieval on a consumer device.

For instance, in the Summary of Yukie, Yukie states: "An object of the invention is to ***reduce or eliminate the need for local data storage media*** in a consumer device." (See Col. 2, lines 53-54; emphasis added.) Yukie also states: "The present invention addresses the limitations associated with relying on local data storage media by employing a wireless communications link to a remote data server. (See Col. 2, lines 31-33.)

Yukie further states in its Background:

There is a wide range of user devices available on the market that rely on internal memory or insertion of external storage devices for operation. A well known example is a camcorder where local storage data storage media such tapes, disks, memory sticks, and the like are used to store images that are recorded by the camcorder. Since internal memory or external storage devices are not unlimited in capacity, the tapes, disks, etc. eventually need to be changed to continue recording images. ***This presents an element of inconvenience***, particularly when storage capacity is reached at a critical time, an element of expense since it is generally necessary to purchase multiple storage devices for extended use of the camcorder, and ***an element of unreliability since the storage devices can fail. This holds true with any device that relies on data storage and uses a form of local data storage media.*** (See Col. 2, lines 13-28; emphasis added.)

According to the **M.P.E.P. §2143.01 V** " 'The Proposed Modification Cannot Render the Prior Art Unsatisfactory for Its Intended Purpose': If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." Yukie in view of Pyhalammi would render Yukie unsatisfactory for its intended purpose, as Yukie explicitly denigrates a local data storage media.

Furthermore, under **M.P.E.P. §2145.D** “ ‘References Teach Away from the Invention Render Prior Art Unsatisfactory for Its Intended Purpose; D: 2.’ References Cannot Be Combined Where References Teach Away From Their Combination.” In the present case, Yukie explicitly teaches away from using a local data storage media. Even assuming, *arguendo*, that Pyhalammi teaches “wherein the mobile telephone contains a database”, Yukie in view of Pyhalammi is an inapposite combination, due to the teaching away of combining Yukie in view of Pyhalammi due to Yukie’s denigration of employment of a local data storage device.

Nor does Aarnio compensate for the deficiencies of Yukie. In Aarnio, a digital camera obtains an image of an object, such as a geographic region proximate the MS, which is then transmitted through the mobile communications system to the computer network... and converted to OCR, which is then used to determine a precise geographical location of the MS. However, Yukie, the primary reference of this combination, explicitly teaches away from using a local data storage media. Therefore, Yukie in view of Pyhalammi in further view of Aarnio is an inapposite combination.

Nor does Iida compensate for the deficiencies of Yukie. In Iida, image data is obtained by a mobile terminal with a built in camera is sent to a network printing system run by a store. However, Yukie, the primary reference of this combination, explicitly teaches away from using a local data storage media. Therefore, Yukie in view of Pyhalammi in further view of Iida is an inapposite combination.

Therefore, Yukie, individually or in combination with Pyhalammi and variously Aarnio and Iida, fails to teach or suggest the invention recited in independent Claim1, and for analogous reasons,

independent Claim 11, and their dependent claims, when considered as a whole. Claims 1-5, 7-15 and 17-20 are therefore not obvious in view of Yukie and Pyhälammi and variously Aarnio and Iida.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 1-5, 7-15 and 17-20 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection.


II. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this Application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-5, 7-15 and 17-20.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present Application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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